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Attorney for Plaintiff Robert Thomson

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

ROBERT THOMSON,

Plaintiff,

vs.

TORRANCE POLICE DEPARTMENT and
THE LOS ANGELES COUNTY SHERIFFS
DEPARTMENT,

Defendants.

CASE NO. 2:11-cv-06154-SJO-JC

**DECLARATION OF LAWRENCE
MUDGETT #15467 LAPD RETIRED IN
SUPPORT OF PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT AND IN
OPPOSITION TO DEFENDANTS
MOTIONS FOR SUMMARY JUDGMENT**

**(FILED CONCURRENTLY WITH
OPPOSITION TO DEFENDANTS
MOTIONS FOR SUMMARY JUDGMENT
BY DEFENDANTS)**

DATE: February 27, 2012

TIME: 10:00 a.m.

HON.: Judge S. James Otero

I swear under penalty of perjury under the laws of the State of California that the foregoing is true and correct:

1 1. I was the Chief Firearms Instructor for LAPD SWAT for approximately 14
2 years and the Chief Firearms Instructor at the LAPD Police Academy for 13 years.
3 I am a combat veteran having served in the First Air Cavalry in Vietnam as an
4 Infantry Light Weapons Sergeant.

5 2. I am a Utah County Delegate. I recently testified in front of the state
6 legislature in support of a bill to approve the 1911 pistol as the official firearm of
7 the state of Utah. I have lectured on the Second Amendment for the 912 Project. I
8 am a Range Master at the famous Gunsite Academy in AZ. My wife and I run a
9 Defensive Firearms Training Program here in Utah and we are NRA instructors. I
10 hold 5 CCW permits. I am certified by the State of Utah as a CFP (Concealed
11 Firearms Permit) instructor. I have testified as an expert witness on firearms and
12 firearms training in Los Angeles Superior Court.

13 3. I have reviewed the motions for Summary Judgment filed by Plaintiff,
14 Torrance and LASD, including supporting documents and oppositions. The need
15 to Carry concealed is due only to the decision of the California legislature to make
16 that the only method of permissible carry having, otherwise banned the possession
17 of a loaded firearm by law abiding citizens and further, even the possession of an
18 unloaded weapon within 1,000 feet of a school, which is Southern California
19 would make travel nearly an impossible task.

20 4. The reality is 49 states now recognize the citizens to carry a functional
21 handgun in a concealed manner, either by constitutional amendment, "Shall Issue"
22 system or "Good Cause": 35 states have "shall issue" permit laws that usually
23 require states to issue permits to those who meet legal requirements; 10 others have
24 "may issue" or discretionary permit laws. Vermont, Arizona, Alaska and Wyoming
25 do not require a permit to carry a concealed weapon.

26 5. It is my opinion, based upon my education, training and experience that
27 increased training reduces the risk of accident, injury and misuse of firearms. For
28 example, when the LAPD Firearms Training Unit increased the quality of their

1 firearms training program, both negligent and accidental discharges were reduced.

2 6. According to studies armed citizens kill more criminals in self-defense than
3 our Nations police officers by about 2 to 1. It is my opinion based upon my
4 education, training and experience that criminals tend to fear armed citizens more
5 than they fear Law enforcement Officers and that the increase in the number of
6 citizens who now carry concealed weapons is a significant factor in the distinct and
7 significant drop in violent crime each year (according to the FBI statics).

8 7. It is my opinion, based upon my education, training and experience that over
9 the last 30 years the availability of concealed carry has increased dramatically from
10 about 10 states to over 49 currently. It is also interesting to note that 4 states now
11 have Constitutional Carry Laws. Wyoming, Alaska, Vermont, and Arizona allow
12 any citizen who is not prohibited from possessing a handgun to carry it concealed.
13 The legislatures of Utah and other states are considering adopting similar law.
14 When considering the success that other states have had with the "shall issue
15 system," we must wonder why LE officials do not believe that the same result
16 would occur in CA. One can only conclude that LE officials must believe that
17 California residents are somehow different that the residents of other states.
18 California residents must be deemed less trustworthy, less restrained, more violent,
19 more prone to commit crimes, etc."

20 8. It is my opinion, based upon my education, training, and experience and
21 being familiar with firearms research, regulation, publications and studies, that
22 there is no correlation between the issuance of CCW permits and unlawful
23 violence. In fact as a retired law enforcement officer, it has been my experience
24 that criminals do not seek out training or licensing for the purpose of carrying
25 concealed weapons, and CCW permit holders are not in any way likely to increase
26 crime or violence, and among the gun owning population are safer and more likely
27 to reduce the accident rate because of their increased training and awareness. What
28 facts I am aware of indicate that armed and trained citizens reduce crime by their

1 very existence, as criminals do not know which citizens are in fact armed. For
2 instance I note the following upon which I have also relied:

3 Supporting Documentation

4 • The Lott-Mustard Report- John Lott and David Mustard, in connection
5 with the University of Chicago Law School, examining crime statistics from
6 1977 to 1992 for all U.S. counties, concluded that the thirty-one states
7 allowing their residents to carry concealed, had significant reductions in
8 violent crime. Lott writes, "Our most conservative estimates show that by
9 adopting shall-issue laws, states reduced murders by 8.5%, rapes by 5%,
10 aggravated assaults by 7% and robbery by 3%. If those states that did not
11 permit concealed handguns in 1992 had permitted them back then, citizens
12 might have been spared approximately 1,570 murders, 4,177 rapes, 60,000
13 aggravated assaults and 12,000 robberies. To put it even more simply
14 criminals, we found, respond rationally to deterrence threats... While support
15 for strict gun-control laws usually has been strongest in large cities, where
16 crime rates are highest, that's precisely where right-to-carry laws have
17 produced the largest drops in violent crimes."

18 (Source: "More Guns, Less Violent Crime", Professor John R. Lott, Jr., The
19 Wall Street Journal, August 28, 1996, (The Rule of Law column).

20 • "Crimes are stopped with guns about five times as frequently as crimes
21 are committed with guns." John Lott "Gun Laws Can Be Dangerous, Too"
22 Wall Street Journal, May 12, 1999 <http://www.tsra.com/Lott22.htm>

23 • "In Florida, where 315,000 permits have been issued, there are only
24 five known instances of violent gun crime by a person with a permit. This
25 makes a permit-holding Floridian the cream of the crop of law-abiding
26 citizens, 840 times less likely to commit a violent firearm crime than a
27 randomly selected Floridian without a permit." (David Kopel – "More
28 Permits Mean Less Crime..."

Los Angeles Times, Feb. 19, 1996, Monday, p. B-5

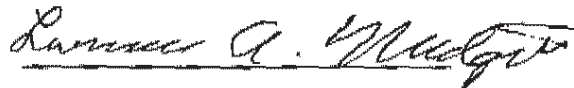
• "Dade County, Florida, kept meticulous records for six years, and of 21,000 permit holders, there was no known incident of a permit holder injuring an innocent person. In addition, since Virginia passed a right-to-carry law more than 50,000 permits have been issued, but not one permit holder has been convicted of a crime and violent crime has dropped." H.

Sterling Burnett, No Smoking Guns

<http://www.ncpa.org/oped/sterling/mar899.html>

9. The declaration of Franklin Zimring is not consistent with my knowledge, training or experience. Mr. Zimring expresses theories which are not related to CCW permits and are not consistent with any peer reviewed statistics. By way of example, one of the undisputed facts used by Zimring was the so called fact that 39 percent of people who commit murder had at the time no disqualifying convictions. My first thought is that these were juveniles who commit a good percentage of the crime in Los Angeles. Their juvenile arrests may not be used against them as adults and they may comprise a portion of this supposed 39 percent. The second factor is that people who are arrested for serious crimes in LA are often allowed to plea the case down to a far lesser crime and the minor crime is the one they are actually convicted of. These are weaknesses in the criminal justice system that should not be used to deny the right of self-defense to law abiding citizens. I find the statistic suspicious in any case.

January 7, 2012



By Lawrence Mudgett